



05-12-04

Docket No. 4303-4046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jacob Richter

Group Art Unit: 3731

Serial No.: 10/757,805

Examiner: TBD

Filed: January 14, 2004

For: LONGITUDINALLY FLEXIBLE STENT

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: EV 357 796 426US

Date of Deposit: May 11, 2004

I hereby certify that the following attached paper(s) and/or fee

1. Information Disclosure Statement;
2. Form PTO-1449;
3. 79 cited references;
4. Singapore Examination Report;
5. New Zealand Examination Report;
6. German Office Action;
7. Two European Search Reports;
8. PCT Search Reports;
9. Cancellation Proceeding against DE Patent No. 20108764;
10. Cancellation Proceeding against DE Patent No. 20108765;
11. IDS Letter for the Cancellation Proceedings with Form PTO 1449;
12. European Search Report - 12/2/2003;
13. Patent Act 1977: Search Report under Section 17;
14. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Susan Shen-Frattura

(Typed/or printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

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New York, NY 10154-0053
(212) 758-4800 Telephone
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Group Art Unit: 3731

Serial No.: 10/757,805

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Filed: January 14, 2004

For: LONGITUDINALLY FLEXIBLE STENT

INFORMATION DISCLOSURE STATEMENT

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R.

§§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. ☐ one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. ☐ the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☒ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4046. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 11, 2004

By: _____

Keith J. McWha
Registration No. 44,235

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- c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☒ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
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Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 11, 2004

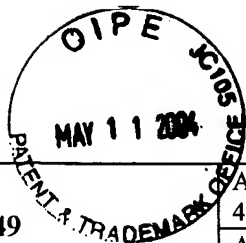
By: _____

Keith J. McWha

Registration No. 44,235

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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket:
4303-4046

Serial No.:
10/757,805

Applicant:
Jacob Richter

Filing Date:
January 14, 2004

Group Art Unit:
3731

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,037,377	8/6/1991	Alonso	600	36	8/21/1986
	5,855,600	1/5/1999	Alt	623	1	8/1/1997
	6,478,815	11/12/2002	Alt	623	1.115	9/18/2000
	6,251,134	6/26/2001	Alt et al.	623	1.16	2/28/1999
	6,159,237	12/12/2000	Alt et al.	623	1.11	11/5/1998
	5,997,973	12/7/1999	Bianca Jr.	428	57	11/18/1997
	6,231,598	05/15/2001	Berry et al.	623	1.15	09/24/1998
	6,409,753	6/25/02	Brown et al.	623	1.15	10/26/1999
	6,348,065	2/19/02	Brown et al.	623	1.16	7/24/1998
	2001/0056298	12/27/01	Brown et al.	623	1.16	8/21/2001
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	5,693,085	12/2/1997	Buirge et al.	623	1	4/26/1995
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	2002/0138136	9/26/02	Chandresekaran et al.	623	1.34	3/23/2001
	5,653,747	8/5/1997	Dereume	623	1	10/20/1995
	5,510,077	4/23/1996	Dinh et al.	264	485	9/15/1994
	5,571,166	11/5/1996	Dinh et al.	623	1	9/15/1994
	5,554,182	9/10/1996	Dinh et al.	623	1	4/27/1995
	US 2002/0055770	05/09/2002	Doran et al.	623	1.15	09/21/2001
	2002/0116049	8/22/02	Girton et al.	623	1.15	1/9/2002
	5,800,508	9/1/1998	Goicoechea et al.	623	1	6/5/1995
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	5,855,597	01/05/1999	Jayaraman	623	1	05/07/1997

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Attorney Docket: 4303-4046		Serial No.: 10/757,805	
				Applicant: Jacob Richter			
				Filing Date: January 14, 2004		Group Art Unit: 3731	
U.S. PATENT DOCUMENTS							
		5,922,021	7/13/1999	Jang	623	1	04/25/1997
		5,595,571	1/21/1997	Jaffe et al.	8	94.11	4/18/1994
		5,720,777	2/24/1998	Jaffe et al.	623	2	5/16/1995
		5,843,180	5,843,180	Jaffe et al.	623	2	1/17/1997
		5,843,181	12/1/1998	Jaffe et al.	623	1	1/17/1997
		5,895,407	4/20/1999	Jayaraman	606	198	1/19/1998
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		6,013,091	01/11/2000	Ley et al.	606	191	10/09/1997
		6,416,538	7/9/02	Ley et al.	623	1.15	5/21/1999
		6,053,941	4/25/2000	Lindberg et al.	623	1	2/9/1998
		5,865,723	2/2/1999	Love	600	36	12/29/1995
		4,733,665	3/29/1988	Palmaz	128	343	11/7/1985
		US 2002/0103529	08/1/2002	Pinchasik et al.	623	1.15	01/09/2002
		5,575,818	11/19/1996	Pinckuk	623	1	2/14/1995
		6,299,604	10/9/2001	Ragheb et al.	604	265	8/20/1999
		5,836,964	11/17/1998	Richter et al.	606	194	10/30/1996
		5,807,404	09/15/1998	Richter	623	1	09/19/1996
		5,591,224	1/7/1997	Schwartz et al.	623	1	9/15/1994
		5,628,785	5/13/1997	Schwartz et al.	623	1	4/27/1995
		5,800,507	9/1/1998	Schwartz	623	1	4/27/1995
		5,849,034	12/15/1998	Schwartz	623	1	4/27/1995
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		6,132,461	10/17/2000	Thompson	623	1.15	4/29/1998
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		6,017,365	1/25/2000	Von Oepen	623	1	5/20/1998

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Attorney Docket: 4303-4046		Serial No.: 10/757,805	
				Applicant: Jacob Richter			
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U.S. PATENT DOCUMENTS							
		6,221,098	4/24/01	Wilson et al.	623	1.11	12/9/1999
		6,387,120	5/14/02	Wilson et al.	623	1.11	4/26/2001
		6,383,213	5/7/02	Wilson et al.	623	1.11	4/24/2001
		4,886,062	12/12/1989	Wiktor	128	343	10/19/1987
		5,133,732	7/28/1992	Wiktor	606	195	3/22/1989
		6,120,847	09/19/2000	Yang et al.	427	335	01/08/1999
		6,183,353	02/6/2001	Frantzen	451	104	05/24/2000
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Patent Number	Publication Date	Country	Class	Sub-Class	Translation
		285241 ✓	03/29/1999	New Zealand	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		280547 ✓	09/24/1998	New Zealand	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		331532 ✓	01/28/2000	New Zealand	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		99/62431 ✓	12/09/1999	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		99/39660 ✓	08/12/1999	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		19957063 ✓	08/02/2001	DE	A61F	2/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
		0876216 ✓	04/05/2000	Europe (see reference WO 97/07889 for English Abstract)	B01J	35/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 97/07889 ✓	3/6/1997	PCT	B01J	35/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 99/44543 ✓	09/10/1999	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 98/35634 ✓	08/20/1998	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		0 970 664A2 ✓	01/12/2000	EP	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		0 830 853A1	03/25/1998	EP	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		19512066 ✓	11/28/1996	DE	A61M	29/00	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 00/30563 ✓	6/2/00	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 97/32544 ✓	9/12/97	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		WO 96/26689 ✓	9/6/96	PCT	A61F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		0 623 354 A1 ✓	11/09/1994	EP	A 61 L	31/100	<input type="checkbox"/> Yes <input type="checkbox"/> No

FORM PTO-1449 INFORMATION DISCLOSURE CITATION		Attorney Docket: 4303-4046		Serial No.: 10/757,805			
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FOREIGN PATENT DOCUMENTS							
Examiner Initial		Patent Number	Publication Date	Country	Class	Sub- Class	Translation
		1 020 166 A1 /	07/19/2000	EP	A 61 F	2/06	<input type="checkbox"/> Yes <input type="checkbox"/> No
		199 00 411 A1 /	07/13/2000	DE	A 61 F	2/04	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only
		197 53 123 A1 /	08/05/1999	DE	A 61 F	2/04	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only
		2 758 253 A1 /	07/17/1998	FR	A 61 F	2/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only
		0 958 794 A2 & A3 (English translation in US 6,652,573)	12/8/1999	EP	A61F	2/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
OTHER DOCUMENTS (Including Author, Title, Date, etc.)							
		Singapore Examination Report /					
		New Zealand Examination Report /					
		German Office Action /					
		Cancellation Proceeding against DE Patent No. 20108764					
		Cancellation Proceeding against DE Patent No. 20108765					
		Two European Search Reports /					
		PCT Search Reports /					
		IDS Letter					
		European Search Report dated December 2, 2003 /					
		Patent Act 1977: Search Report under Section 17 /					
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							



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For: LONGITUDINALLY FLEXIBLE STENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

IDS LETTER

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and in conformance with the procedures of 37 C.F.R. §§1.97 and 1.98 and M.P.E.P. §6098, attorneys for Applicant hereby bring the following information to the attention of the Examiner.

Subject matter related to the present patent application is currently involved in several proceedings. There are currently two pending cancellation proceedings in Germany. The status of each matter is briefly discussed below.

I. DE20108765U1 Cancellation Proceeding

A cancellation action was filed on January 10, 2003 in Germany of German Utility model DE 201 08 765 U1 related to EP 201 08 765. Enclosed are English versions of the cancellation action, related patents and other related references. The patents cited in the cancellation action include WO 00/30563 to Brown, WO 99/15108 to Berry, US

5,913,895 to Burpee, WO 97/32544 to Penn, US 5,603,721 to Lau and DE 297 08 879 U1 to Hoefer all of which are attached with related Exhibits.

II. DE20108764U1 Cancellation Proceeding

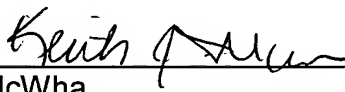
A cancellation action was filed on January 10, 2003 in Germany of German Utility model DE 201 08 764 U1 related to EP 201 08 764. Enclosed are English versions of the cancellation action, related patents and other related references. The patents cited in the cancellation action include WO 00/30563 to Brown, WO 99/15108 to Berry, US 5,913,895 to Burpee, WO 97/32544 to Penn, US 5,603,721 to Lau, DE 297 08 879 U1 to Hoefer, and US5,733,303 to Israel all of which are attached with related Exhibits.

Applicants respectfully request that the Examiner consider the above discussed proceedings and related documents. If the Examiner has any questions regarding any of the above discussed matters, or wishes clarification of any of the matters discussed above, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: May 11, 2004

By: 
Keith McWha
Registration No. 44,235

Correspondence Address
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345 Park Avenue
New York, New York 10154
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(212) 751-6849 (facsimile)



FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket:
4303-4046Serial No.:
10/757,805Applicant:
Jacob RichterFiling Date:
January 14, 2004Group Art Unit:
3731

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,913,895	6/22/1999	Burpee et al.			
	5,603,721	2/18/1997	Lau et al.			
	5,733,303	3/31/1998	Israel et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
	99/15108	4/1/1999	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	97/32544	9/12/1997	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	297 08 879U1	9/11/1997	Germany			<input type="checkbox"/> Yes <input type="checkbox"/> No
	00/30563	6/2/2000	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.